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10/715,306	11/17/2003	Jaime Alberto Torrez	BUS-026079 CON	5115

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EXAMINER

TANG, SON M

ART UNIT PAPER NUMBER

2632

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/715,306

Applicant(s)

TORREZ ET AL.

Examiner

Son M Tang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 40-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 40-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

**DETAILED ACTION*****Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 40-45, 46-52, 55-57 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1-38 of U.S. Patent No. 6,696,969. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitation of claim 40, "a fuse configured to open upon an occurrence of a predetermined current condition", it is obvious in skill of the art that open fuse indication device uses for indicating electrical circuit interrupted, which causes by shortage or overload current, which means over predetermined current, further more, new claims are written in a simply form, that reduces words. It is obvious of one having ordinary skill in the art would find that, reducing words in the claims would make claims broader.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 54 recites the limitation "said alarm terminal output" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims **40, 42, 46, 48-50, 52 and 56** are rejected under 35 U.S.C. 103(a) as being unpatentable over Douglass [US 5,841,337] in view of Happ et al. [US 5,559,662].

**Regarding to claims 40 and 56:** Douglass discloses a pull out fuse disconnect switch assembly [Fig. 3-5] comprising:

-a pull out fuse [100] configured to open an electrical circuit of interruption mechanism 156 upon an occurrence predetermined current condition such as overload current [col. 4, lines 37-67];

-a switch housing assembly [102] for receiving said pull out fuse assembly, housing comprising first and second contact assemblies [126] establishing an electrical connection through said fuse when fuse is received in said receptacle, [see Fig. 5];

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-an open fuse indication device 104, which can be removable from the receptacle housing 102, Douglass does not specifically stating that, fuse indication device electrically connected in parallel with said fuse, and an alarm terminal output in communication with said fuse indication device. It is clear that, fuse indication device uses to indicate fuse is being opened, Happ et al. teach a desirability fused disconnect switch which comprises an open fuse indication device LED 48, which electrically parallel connected with fuse 14 [see Fig. 3 and 4, col. 4, lines 53-67 to col. 5, lines 1-6] and an alarm terminal output 50 in communication with said open fuse indication device 48 is completely inserted into said receptacle [see Fig. 3, col. 5, lines 17-24].

It would have been obvious to one having ordinary skill in the art at the time the claimed invention, to employ an electrical LED open fuse indication device and an alarm terminal output as suggested by Happ et al. in the system of Douglass, in doing that the indication is easy to recognize, and the alarm output can be tested or can be monitored at a remote place.

**Regarding to claims 42 and 48:** Douglass further discloses wherein one of said first and second contact assemblies comprises a box contact assembly [110], said fuse line side conducting portion and said fuse load side conducting portion comprises a terminal blade [118], a bottom and terminal openings [120] and the assemblies comprises fuse clips [126] as shown in Fig. 5.

**Regarding to claims 49 and 52:** Douglass and Happ et al. disclose all the limitation as described in claim 1 above, however, Happ et al. further teach that wherein said open fuse indication device comprises a high resistance [56] electronic circuit [Fig. 4, col. 5, lines 2-7].

**Regarding to claim 50:** Douglass further discloses a DIN rail latch [116] [see Fig. 5].

**Regarding to claim 46:** Douglass discloses a pull out fuse disconnect switch assembly [Fig. 3-5] comprising:

- a pull out fuse [100] assembly comprising a fuse (154, 156) and an open fuse indication device 104 [see Fig. 7-8]; and

- a switch housing assembly [102] for receiving said pull out fuse assembly 100 comprising:

- a fuse receptacle 120; a first terminal and second terminals 118, contact the fuse receptacle, establishing an electrical connection through said primary fuse link when said pull out fuse assembly 100 is inserted into said fuse receptacle, to facilitate visual local fuse state indication with said open fuse indication device [as shown in Fig. 3-5], except for specifically stating that first terminal contact establishing a load side electrical connection, and second terminal contact establishing a line side electrical connection.

Since, it is known in the electrical art that, fuse uses for monitoring current from one side to the other. Thus, one having ordinary skill in the art would found it obvious to connect the terminal of the fuse to load side and the other to line side, in order to monitor the input current to the load.

Douglass does not specifically disclose a remote output alarm terminal extending through said housing and communication with said fuse indication device for remote indication of an open fuse condition. It is clear that, fuse indication device uses to indicate fuse is being opened, and the indication can be locally or remotely, Happ et al.

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teach a desirability fused disconnect switch which comprises an open fuse indication device LED 48, for locally and an alarm terminal output 50 in communication with said open fuse indication device 48 for remotely indication [see Fig. 3-4 col. 5, lines 22-27].

It would have been obvious to one having ordinary skill in the art at the time the claimed invention, to modify a remote alarm terminal output as suggested by Happ et al. into the system of Douglass, in doing that, the alarm output can be easy to test or can be monitored at a remote convenience place.

6. Claims **41, 43-44, 47, 49, 51 and 53** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Douglass** in view of **Happ et al.** in claim 40 above, and further in view of **Middlehurst et al.** [US 6,317,311].

**Regarding to claim 53:** Douglass discloses a pull out fuse disconnect switch assembly comprising:

- a pull out assembly comprising a housing [100], a fuse element [154, 156] within said housing extending between a two blades [118] and an open fuse indication device [104] configured to visually indicate a state of said fuse element,

- a switch housing assembly comprising a housing defining a fuse receptacle [102] for receiving said pull out fuse assembly, except specifically stating that, fuse element extending between a line side conducting portion and load side conducting portion, since it is known in the art that, fuse switch uses for monitoring input current from line side into load line, thus, one having ordinary skill in the art would found it obvious to connect the fuse switch between a line side conducting and a load side conducting, in order to monitor the input current from the source into the load.

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Douglass fails to disclose that the fuse indication device connected between a line side and load side conductors. It is clear that, indication device is for visually alert, using color melted indicator or electrical connected indicator concept is an alternative choice. Happ et al. teach a desirability fused disconnect switch which comprising, a fuse indicator device 48, connected between side line and load line conducting portions [as shown in Fig. 3]. It would have been obvious of one having ordinary skill in the art at the time of the claimed invention, to modify the fuse indicator device in extending between side line and load line as suggested by Happ et al. into the system of Douglass, which LED provides brighter indicator.

Douglass discloses a first terminal contact 126, except for specifically comprising a bullet contact, bullet contact is a known type of nut crew, which uses for holding or securing object, Middlehurst et al. teach a desirability circuit breaker mounting system which using a bullet contact assembly for connecting the circuit breaker to external circuitry [as shown in Fig. 1 and 4]. One having ordinary skill in the art would found it obvious to use a bullet contact assembly, for the advantage of convenience and assembly tool is not require, since bullet contact assembly is a thumb-crew.

**Regarding to claim 54:** Douglass, Happ et al. and Middlehurst et al. disclose all the limitation as described above, Happ et al. further teach that, an alarm terminal output 50 [as shown in Fig. 1, 3].

**Regarding to claims 41, 43-44:** Douglass and Happ et al. disclosed all the limitation in claim 1 above, Douglass also disclose a boss [112] which uses to secure the fuse holder to the surface by bolt or any other screw which appropriate, Douglass and Happ et al. are not shown any structure parts such as a bullet contact, terminal stud and



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common bus bar. However, Middlehurst et al. teach a circuit breaker mounting system which uses to mount multiple circuit breaker on the bar that comprising, a bullet contact [36] in Fig. 1, a terminal stud [46, 68] [Fig. 2] and a L-shape common bus bar (84), which is shaped as an anti-rotation [Fig. 27, 30 and col. 6, lines 1-18]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ all the features show above as suggested by Middlehurst et al. into the references combination above for the advantage of convenience and easy to connect/disconnect electrical wires from the fuse terminal.

**Regarding to claims 47, 49 and 51:** Refer to the rejected of claims 41, 43-44 above.

7. Claims **55 and 57** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Douglass** in view of **Middlehurst et al.** [US 6,317,311].

**Regarding to claims 55 and 57:** Douglass discloses a pull out fuse disconnect switch assembly [Fig. 3-5] comprising:

- a pull out fuse [100] comprising a pair of opposed conductive elements 118 and a fuse element [154, 156] extending therebetween [see Fig. 7]; and

- a switch housing assembly [102] for receiving said pull out fuse assembly, and a pair of switchable terminal contacts [126] therein for engaging said pair of conductive elements 118 [see Fig. 5], except for specifically stating that, wherein at least one of said terminal contacts comprises a bullet contact assembly.

Middlehurst et al. teach a desirability circuit breaker mounting system, which using a bullet contact assembly for connecting circuit breaker to an external circuitry [as shown in Fig. 1 and 4]. One having ordinary skill in the art would found it obvious to use

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a bullet contact assembly, for the advantage of convenience and less require of assembly tool such as screwdriver or wrench, since bullet contact assembly is a thumb-crew contact.

*Conclusion*


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Falchetti [US 4,772,219].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son M Tang whose telephone number is (571)272-2962. The examiner can normally be reached on 4/9 First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J Wu can be reached on (571)272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Son Tang

  
DANIEL WU  
SUPERVISORY PATENT EXAMINER  
9/18/04